

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MARTIN C. HECK, Jr., and VICTORIA)	No. ED101157
HECK d/b/a PACIFIC MOBILE MANOR,)	
)	
Appellants,)	Appeal from the Circuit Court
)	of Franklin County
vs.)	
)	Honorable Isidore I. Lamke
CITY OF PACIFIC and CITY OF)	
PACIFIC BOARD OF ZONING)	
ADJUSTMENT,)	
)	
Respondents.)	FILED: October 28, 2014

Appellants Martin C. Heck, Jr. and Victoria Heck (“the Hecks”) appeal from the judgment of the Circuit Court of Franklin County which affirmed the decision of the City of Pacific Board of Zoning Adjustment (“the BZA”). The Hecks sought a variance from the City of Pacific Ordinance Section 400.240(D)(3) (“Section 400.240(D)(3)”), which prohibits the placement of a new manufactured home in an existing manufactured home park unless the new manufactured home is placed at least twenty feet from any other home or structure. The BZA denied the variance, and thereafter the Hecks filed a writ of certiorari in the circuit court. The circuit court affirmed the decision of the BZA. On appeal, the Hecks argue that the spacing requirements of Section 400.240(D)(3) may not be enforced against their mobile home park because they hold a legal nonconforming use for their entire mobile home park.

REVERSED AND REMANDED.

Division III Holds: Because the record does not inform this Court that the BZA properly considered whether the mobile home park operated by the Hecks was a lawful continuing nonconforming use, we reverse and remand this matter to the BZA for a hearing on the issue of whether the Hecks have the right to continue their nonconforming use of the mobile home park.

Opinion by: Kurt S. Odenwald, P.J., Robert G. Dowd, Jr., J. and Gary M. Gaertner, Jr., J. Concur.

Attorney for Appellant: Damian R. Struzzi and David L. Baylard

Attorney for Respondent: Edward V. Crites and Andrew T. Tangaro

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
